

JUL 05 2016

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

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In the matter of	)	Case No. 14-82
	)	Folder No. 167720
<b>DINAH L. BINDER,</b>	)	
	)	<b>SETTLEMENT AGREEMENT</b>
Respondent.	)	

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In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 IAC 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon her license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of her desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against her at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

**STIPULATIONS**

1. Respondent holds a STANDARD LICENSE (FOLDER # 167720) with the following endorsements: K-6 Teacher Elementary Classroom; K-8 Reading; K-8 Mental Disabilities Mild/Moderate; K-8 Learning Disabilities; K-8 Multicategorical Resource Mild; K-8 Multicategorical Special Class with Integration; K-8 Instructional Strategist I: Mild/Moderate; 5-12 Driver and Safety Education. Respondent's license is current and will next expire on June 30, 2019. Respondent also holds an expired Behind the Wheel Driving Instructor Authorization.

2. During all material events of this case, Respondent was employed by the Open Road Driving School.

3. On July 8, 2014, the Board of Educational Examiners received a complaint against Respondent alleging various violations of the Code of Ethics.

4. On October 9, 2014, the Board found probable cause to proceed to hearing.

5. The Board issued a Notice of Hearing and Statement of Charges on February 23, 2016. Hearing is currently scheduled for July 7, 2016. The Board charged

Respondent with fraud in violation of 282 Iowa Administrative Code rule 25.3(1)(a), falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies, in violation of 282 Iowa Administrative Code rule 25.3(3)(b), deliberately suppressing subject matter for which the educator bears responsibility, in violation of 282 Iowa Administrative Code rule 25.3(6)(b), unethical practice by failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of Board rule 282 Iowa Administrative Code 25.3(6)(c), aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required, in violation of 282 Iowa Administrative Code rule 25.3(6)(j), delegating tasks to unqualified personnel, in violation of 282 Iowa Administrative Code rule 25.3(6)(l), and allowing another person to use one's practitioner license for any purpose, in violation 282 Iowa Administrative Code rule 25.3(6)(n).

6. Respondent aided and abetted an unlicensed person in the completion of acts for which licensure is required.

### **SETTLEMENT AGREEMENT**

7. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

9. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent agrees her license will be SUSPENDED for a period of ONE YEAR. Respondent shall bear the burden of applying for reinstatement in accordance with 282 Iowa Administrative Code rule 11.34. Respondent shall be eligible for reinstatement after expiration of her suspension and the successful completion of the requirements of subparagraphs c.
- c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators." This course is offered by the ISEA. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course prior to reinstatement.

### LICENSEE DECLARATION

I understand that this Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand State's counsel will present this Settlement Agreement and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my teaching license.

I understand that this Settlement Agreement and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

July 5, 2016  
Date

Dinah L. Bindner  
Dinah L. Bindner, Respondent

## ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

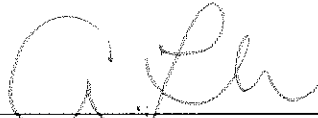
1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Respondent's license is hereby SUSPENDED for a period of ONE YEAR. Respondent shall bear the burden of applying for reinstatement in accordance with 282 Iowa Administrative Code rule 11.34. Respondent shall be eligible for reinstatement after expiration of her suspension and the successful completion of the Ethics for Educators course.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course prior to reinstatement.

4. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 5<sup>th</sup> day of August, 2016.



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Dr. Ann Lebo, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Dinah Bindner  
RESPONDENT

Ryan Gerling  
ATTORNEY FOR RESPONDENT

Julie Bussanmas  
ATTORNEY FOR STATE

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

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In the matter of	)	Case No. 14-82
	)	Folder No. 167720
<b>DINAH L. BINDNER,</b>	)	
	)	<b>NOTICE OF HEARING</b>
Respondent.	)	<b>AND STATEMENT OF CHARGES</b>

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**YOU ARE HEREBY NOTIFIED** that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing will be held on Wednesday, May 25, 2016, before Administrative Law Judge Margaret LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9<sup>th</sup> Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the

request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Renner K. Walker  
Assistant Attorney General  
Iowa Department of Justice  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319  
Telephone (515) 281-7175

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Duane T. Magee, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Walker at (515) 281-7175.

## **B. SECTIONS OF STATUTES AND RULES INVOLVED**

### **Count I**

7. Respondent is charged with fraud as defined by 282 Iowa Administrative Code rule 25.2, in violation of 282 Iowa Administrative Code rule 25.3(1)(a).

### **Count II**

8. Respondent is charged with falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, in violation of 282 Iowa Administrative Code rule 25.3(3)(e).

### **Count III**

9. Respondent is charged with deliberately suppressing subject matter for which the educator bears responsibility, in violation of 282 Iowa Administrative Code rule 25.3(6)(b).

#### **Count IV**

10. Respondent is charged with failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

#### **Count V**

11. Respondent is charged with aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required, in violation 282 Iowa Administrative Code rule 25.3(6)(j).

#### **Count VI**

12. Respondent is charged with delegating tasks to unqualified personnel, in violation 282 Iowa Administrative Code rule 25.3(6)(l).

#### **Count VII**

13. Respondent is charged with allowing another person to use one's practitioner license for any purpose, in violation 282 Iowa Administrative Code rule 25.3(6)(n).

### **C. JURISDICTION AND LEGAL AUTHORITY**

14. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

### **D. FACTUAL CIRCUMSTANCES**

15. Respondent holds a STANDARD LICENSE (FOLDER # 167720) with the following endorsements: K-6 Teacher Elementary Classroom; K-8 Reading; K-8 Mental Disabilities Mild/Moderate; K-8 Learning Disabilities; K-8 Multicategorical Resource Mild; K-8 Multicategorical Special Class with Integration; K-8 Instructional Strategist I: Mild/Moderate; 5-12 Driver and Safety Education. Respondent's license is current and will next expire on June 30, 2019. Respondent also holds an expired Behind the Wheel Driving Instructor Authorization.

16. During all material events of this case, Respondent was employed by the Open Road Driving School.

17. On July 8, 2014, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On October 9, 2014, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

18. Investigation revealed Respondent overheard Person "A"—whose license was suspended pursuant to Board order as a result of a disciplinary contested case—refer to himself as Person "B". Person "B" is a licensed practitioner and former coworker of Respondent and Person "A". Respondent knew Person "A" was not Person "B". The next day, Respondent identified Person "A" using the first name of Person "B".

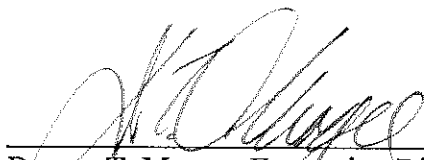
19. Additionally, Respondent knowingly allowed Person "A" to teach driver's education to students in the classroom and behind the wheel for Open Road. Person "A" taught the class for 13 out of the 14 days the class was offered, but Respondent represented that Person "A" was merely a guest speaker.

20. Respondent also signed driver's education completion certificates on behalf of Person "A". Respondent did teach the students in question.

#### **E. SETTLEMENT**

21. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 23<sup>rd</sup> day of February, 2016.



Duane T. Magee, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Dinah L. Bindner (first-class mail and restricted certified mail)  
RESPONDENT

Renner K. Walker (electronic mail)  
ATTORNEY FOR STATE